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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,704	01/19/2005	Balthasar Antonius Gerardus Van Luijt	NL 020671	2624

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EXAMINER	
JOO, JOSHUA	
ART UNIT	PAPER NUMBER
2154	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,704	VAN LUIJT ET AL.	
	Examiner	Art Unit	
	JOSHUA JOO	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,7-9,11 and 13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,7-9,11 and 13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/3/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1. This Office action is in response to communication dated 3/03/2008.

Claims 1, 3, 7-9, 11, and 13 are presented for examination.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

i) Regarding claim 13, the term "machine-readable medium" has insufficient antecedent basis in the specification.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted 03/03/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3, 7-11, and 13 have been considered but are moot in view of the new ground(s) of rejection. New ground(s) of rejection are necessitated by Applicant's amendment.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

i) Regarding claim 13, "machine-readable medium" has insufficient antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ishibashi et al., US Patent #7,353,541 (Ishibashi hereinafter).

8. As per claim 1, Ishibashi teaches the invention as claimed including a method of regulating sharing of a multimedia object by a device, the method comprising:

registering usage information for the multimedia object upon sharing the multimedia object (col. 20, lines 54-58. History section maintains charge information indicating result of utilization. col. 17, lines 33-37; col. 22, lines 2-66. Utilization includes reproduction of content.);

after the registering of the usage information, billing a user of the device for a certain amount in accordance with the registered usage information for the multimedia object (col. 24, lines 6-11; col. 54, lines 31-35. Receive charge information and calculates a charge amount billed to a user.);

recording user profile information for the user (col. 23, lines 62-col. 24, line 3. User registration database. col. 57, lines 54-61. Register settlement ID and settlement information.); and

crediting a bill for the certain amount with a sum, upon receipt of the recorded user profile information together with the registered usage information (col. 24, lines 13-19. Perform settlement based on utilization and user information).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 3, 7, 9, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutaragi et al. US Patent #7,275,261 (Kutaragi hereinafter), in view of Levy, US Publication #2002/0052885 (Levy hereinafter) and Ishibashi.

11. As per claim 3, Kutaragi teaches substantially the invention as claimed including a device arranged for sharing of a multimedia object, comprising:

file sharing means for "utilizing" the multimedia object (col. 11, lines 29-30. Utilize content.);

identifying means for obtaining an identifier for the multimedia object being "utilized" (col. 11 lines 42-43, 47-48. Content ID. It is inherent that content identifier must be obtained to utilize the content.),

accounting means for registering usage information for the identified multimedia object (col. 10, lines 10-15. Log data, utilization information at the user terminal.); and

reporting means for transmitting the registered usage information to a third party when the registered usage information meets a predetermined criterion (col. 8, lines 10-16, 21-25. Acquire history of utilization when number of utilization reaches a predetermined count.) to allow afterwards, billing for sharing of the multimedia object in accordance with the registered usage information for the multimedia object (col. 9, lines 8-13. Charge user based on the history of utilization.).

12. Kutaragi teaches of utilizing the multimedia object but does not specifically teach that utilizing comprises sharing the multimedia object with other devices. Kutaragi also does not specifically teach of identifying means comprising a fingerprint calculator arranged to obtain the identifier by computing a

fingerprint for at least a portion of the multimedia object; and wherein the device is arranged to inhibit sharing of the multimedia object in response to the reporting means failing to transmit the registered usage information to the third party.

13. Levy teaches of registering sharing of the multimedia with other devices (Paragraphs 0032-0033) and obtaining an identifier by computing a fingerprint for at least a portion of the multimedia object (Paragraphs 0046; 0111; 0114).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to utilize multimedia object by sharing the multimedia with other devices and obtaining the identifier by computing a fingerprint for at least a portion of the multimedia object. The motivation for the suggested combination is that Levy's teachings would improve Kutaragi's teachings by enabling file sharing between clients and allowing authentication of files.

15. Ishibashi teaches a similar system for maintaining utilization history of content, wherein a device is arranged to inhibit sharing of the multimedia object in response to the reporting means failing to transmit the registered usage information to the third party (col. 20, lines 54-58; col. 97, lines 35-50. Detect charge information is uncollected and prevent reproduction of content.).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to inhibit sharing of the multimedia object in response to the reporting means failing to transmit the registered usage information to the third party. The motivation for the suggested combination is that Ishibashi's teachings would improve the suggested system by controlling the reproduction of content.

17. As per claim 13, Kutaragi teaches substantially the invention as claimed including a machine-readable medium containing instructions that when executed by a processing system, cause the processing

system to perform a method of regulating sharing of a multimedia object by a device, the method comprising:

registering usage information for the multimedia object upon the sharing of the multimedia object (col. 10, lines 10-15. Log data, utilization information at the user terminal.), the registering of the usage information including an identifier from metadata associated with the multimedia object (col. 11, lines 41-52. Utilization history contains content ID.); and

transmitting the registered usage information to a third party when the registered usage information meets a predetermined criterion (col. 8, lines 10-16, 21-25. Acquire history of utilization when number of utilization reaches a predetermined count.); and

billing a user of the device for a certain amount in accordance with the registered usage information for the multimedia object (col. 12, lines 11-26. Distribute charge information based on transmitted information.);

recording user profile information for the user (col. 8, lines 35-39, col. 10, lines 50-55. User information.).

18. Kutaragi teaches of an identifier but not specifically teach of an identifier from metadata associated with the multimedia object. Kutaragi also does not specifically teach of crediting a bill for the certain amount with a sum, upon receipt of the recorded user profile information together with the registered usage information.

19. Levy teaches of determining an identifier from metadata associated with a multimedia object (Paragraphs 0046; 0111; 0114).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine an identifier from metadata associated with a multimedia object. The motivation for the suggested combination is that Levy's teachings would improve Kutaragi's teachings by enabling file sharing between clients and allowing authentication of files.

21. Ishibashi teaches of crediting a bill for the certain amount with a sum, upon receipt of the recorded user profile information together with the registered usage information (col. 24, lines 13-19. Perform settlement based on utilization and user information).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to credit a bill for the certain amount with a sum, upon receipt of the recorded user profile information together with the registered usage information. The motivation for the suggested combination is that Ishibashi's teachings would improve the suggested system by allowing efficient settlement of utilized content.

23. As per claim 7, Kutaragi, Levy, Ishibashi taught the device of claim 3 including usage information including sharing of multimedia object. Kutaragi, Levy, Ishibashi further teach in which the usage information being registered for the multimedia object comprises a number of times the multimedia object is being shared (Kutaragi: col. 6, lines 14-16, 61-65. History of utilization of content. How much the content is utilized.).

24. As per claim 9, Kutaragi, Levy, Ishibashi taught the device of claim 3 including usage information including sharing of multimedia object. Kutaragi, Levy, Ishibashi further in which the predetermined criterion comprises a predetermined number of times the multimedia object as been shared (Kutaragi: Claim 4. Transmit utilizing history when the number of times of utilizing content exceeds a predetermined number.).

25. As per claim 11, Kutaragi teaches the device of claim 3, further comprising user profile maintenance means for maintaining a user profile, the reporting means being arranged to additionally

transmit at least a portion of the user profile to the third party (col. 10, lines 50-55. User inputs registration information to the server.).

26. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kutaragi, Levy, and Ishibashi, in view of Sako et al. US Publication #2006/0115238 (Sako hereinafter).

27. As per claim 8, Kutaragi does not specifically teach the device of claim 3, in which the usage being registered for the multimedia object comprises a length of the multimedia object.

28. Sako teaches of maintaining a reproduction log including usage information on the length of a multimedia object (Paragraphs 0092; 0103).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to include usage information on the length of a multimedia object. The motivation for the suggested combination is that Sako's teachings would improve the suggested system by allowing a user to be billed based on the duration of time that the content is utilized (Paragraph 0146).

Conclusion

30. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

i) Yamanaka et al. US Publication #2001/0016834 teaches of crediting a user's usage of digital content based on advertisement information associated with the usage information.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

32. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./
Examiner, Art Unit 2154

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2154